

## REMARKS/ARGUMENTS

Claims 1-16 have been rejected under 35 USC § 102(b) as being anticipated by Hilton et al (3,615,496). The Examiner states that Hilton et al disclose, teach, suggest, demonstrate and reduce to practice with an aqueous silver halide color developing solution comprising a color developing agent as elected and a thickening agent as elected. This rejection is respectfully traversed.

Hilton et al teaches the use of emulsifying agents such as hydroxyethyl cellulose in concentrated aqueous dispersions of benzyl alcohol. Such concentrated aqueous dispersions are one part of a packaged developer kit, which when combined with other parts of the kit (e.g., a part containing a developing agent) and properly diluted result in a photographic processing solution. Claim 1, which has been amended to incorporate the limitations of dependent claims 2-4 (which claims have accordingly been cancelled), is specifically directed towards an aqueous developer solution for use in digital film processing comprising a developing agent, a surfactant, and a thickener, wherein the developer solution has a surface tension of less than about 30 dynes/cm and a viscosity of between about 5,000 and about 30,000 cP. While the developing solutions obtained upon combination of the concentrated aqueous dispersion of benzyl alcohol with other required parts of the described packaged developer kits would comprise developing agent and the thickener employed in the benzoyl alcohol component dispersion, such resulting solutions are intended for conventional solution processing of photographic materials, and accordingly will not be designed to have the combined surface tension and viscosity as required by the instant claims (note, e.g., that the highest level of thickener employed in the benzoyl alcohol dispersion examples of Hilton et al is 200 mg Natrosol 250H as stated in Example 8, which when combined with the other developer kit components listed in Example 5 would lead to a concentration of only 0.2 g/L, which concentration is clearly deficient as to providing the required viscosity as required in claim 1). Additionally, there is no disclosure of the use of any surfactant in combination with the disclosed developer kit component materials, let alone surfactant sufficient to provide a surface tension of less than about 30 dynes/cm as required by the present claim 1. Accordingly, Hilton et al clearly does not anticipate the present claimed invention.

Claims 1-16 have been rejected under 35 USC § 103(a) as being unpatentable over Hilton et al (3,615,496). The Examiner states that the basis for the rejection is essentially the same as that with respect to the rejection under 102(b), with an addition that compounds are not used in the Examples but

disclosed, taught and suggested in Hilton et al at col. 45 to 3:36 are found to be obvious variants and conventional additives in the photographic art as disclosed taught and suggested by Hilton et al. This rejection is respectfully traversed.

As explained above, Hilton et al clearly does not anticipate the claimed invention, as there is no disclosure of the use of thickeners and surfactants in a developer solution sufficient to provide a viscosity of between about 5,000 and about 30,000 cP and a surface tension of less than 30 dyne/cm. While the reference made by the Examiner to "col. 45 to 3:36" is not understood, a review of Hilton et al none the less clearly reveals that there is no disclosure, teaching or suggestion to modify the specific examples thereof with additional components so as to drastically change the resulting properties thereof so as to be within the current claim scope. This is clear as Hilton et al is concerned only with formulating developer kit components which may be combined to form a conventional developer solution, as opposed to a developer solution optimized for digital film processing as described in the present application. Note, specifically, that the digital film processing method described in the specification poses unique challenges compared to conventional film processing techniques. In particular, as described in the present application, in digital film processing the film is scanned through a coated layer of developer solution. Therefore, any substantial unevenness in the layer of developer solution on the film can adversely affect the scanning process. Applicants have found that the claimed surface tension (see, e.g., page 13, lines 20-30) and viscosity (see, e.g., page 16, lines 1-6) requirements are important to providing a uniform thin, even layer of developer solution on the film, particularly when a slot coater is used to apply the developer solution in the manner described in the application. Thus these two parameters are more than mere arbitrary selection of "obvious variants", but rather together have been found to provide optimal results. As Hilton et al is not directed towards providing a developer solution which may be used to provide a uniform coating, there can be no motivation found therein to modify the compositions disclosed therein in order to provide a solution which does so. Reconsideration of this rejection is accordingly respectfully requested.

Claims 1-16 have been rejected under 35 USC § 102(b) as being anticipated by Hashimoto et al. (5,891,608). The Examiner states that Hashimoto et al disclose, teach, suggest, demonstrate and reduce to practice with an aqueous silver halide color developing solution comprising a color developing agent as elected and a thickening agent as elected. This rejection is respectfully traversed.

Hashimoto et al teaches the use of water soluble polymers in concentrated slurry-form developing agent compositions, which upon dilution are

intended for use in conventional photographic development processing. Such slurry-form compositions are described as preferably having a viscosity of 0.1 to 100 poise (10 to 10,000 cP), more preferably 1 to 50 poise (100 to 5,000 cP). As discussed above, claim 1 of the present application has been amended to incorporate the limitations of dependent claims 2-4 (which claims have accordingly been cancelled), and is now specifically directed towards an aqueous developer solution for use in digital film processing comprising a developing agent, a surfactant, and a thickener, wherein the developer solution has a surface tension of less than about 30 dynes/cm and a viscosity of between about 5,000 and about 30,000 cP. While the broad preferred viscosity range of the concentrated slurry-form compositions of Hashimoto et al may overlap with the claimed required viscosity of the developer solutions of the present invention, there is no disclosure of formulating a composition at the upper end of such preferred range (e.g., from 5,000-10,000 cP, which is above the “more preferred” upper limit of 50 poise (5,000 cP)), while also employing a surfactant effective at providing a surface tension of less than 30 dyne/cm. Note the specific examples of Hashimoto disclose processing composition viscosities of either at most 30 poise (3,000cP), or greater than 1800 poise (180,000 cP), and unspecified surface tensions. Accordingly, Hashimoto et al clearly does not anticipate the present claimed invention.

Claims 1-16 have been rejected under 35 USC § 103(a) as being unpatentable over Hashimoto et al (5,891,608). The Examiner states that the basis for the rejection is essentially the same as that with respect to the rejection under 102(b), with an addition that compounds are not used in the Examples but disclosed, taught and suggested in Hashimoto et al at col. 2:46-51, 3:29 to 17:50, 18:23-32, 11:5-10, 19:15 to 22:35 and 66 to 25:24 are found to be obvious variants and conventional additives in the photographic art as disclosed taught and suggested by Hashimoto et al. This rejection is respectfully traversed.

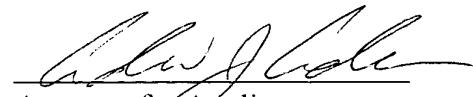
As explained above, Hashimoto et al clearly does not anticipate the claimed invention, as there is no disclosure of the use of thickeners and surfactants in a developer solution sufficient to provide a viscosity of between about 5,000 and about 30,000 cP and a surface tension of less than 30 dyne/cm. While the various specific column and line numbers referenced by the Examiner are somewhat confusing, a review of Hashimoto et al none the less clearly reveals that there is no disclosure, teaching or suggestion to modify the specific examples thereof with additional components so as to drastically change the resulting properties thereof so as to be within the current claim scope. This is clear as Hashimoto et al is concerned only with formulating a concentrated slurry-form

composition, which upon proper dilution is designed to form a conventional developer solution, as opposed to a developer solution optimized for digital film processing as described in the present application. Note as explained above, specifically, that the digital film processing method described in the specification poses unique challenges compared to conventional film processing techniques. In particular, as described in the present application, in digital film processing the film is scanned through a coated layer of developer solution. Therefore, any substantial unevenness in the layer of developer solution on the film can adversely affect the scanning process. Applicants have found that the claimed surface tension (see, e.g., page 13, lines 20-30) and viscosity (see, e.g., page 16, lines 1-6) requirements are important to providing a uniform thin, even layer of developer solution on the film, particularly when a slot coater is used to apply the developer solution in the manner described in the application. Thus these two parameters are more than mere arbitrary selection of “obvious variants”, but rather together have been found to provide optimal results. As Hashimoto et al is directed towards the preparation of compositions ultimately intended for use in conventional solution processing of photographic materials, rather than directed towards providing a developer solution optimized for use in providing a uniform coating in digital film processing, there can be no motivation found therein to modify the compositions disclosed therein in order to provide a solution designed to have the combined surface tension and viscosity as required by the instant claims. Reconsideration of this rejection is accordingly respectfully requested.

It is further noted that withdrawn independent claims 17, 32, and 50 have been amended to be consistent with and include all the limitations of the present elected claim 1, and that withdrawn dependent claims 18-21, 37-38, and 54 have accordingly been cancelled. Dependent claims 5, 11-13, and 22-26 have been amended to change dependencies in view of the cancelled claims. Rejoinder of withdrawn pending claims 17, 22-36, 39-53, and 55-62 is respectfully requested upon allowance of pending claims 1 and 5-16.

In view of the foregoing amendments and remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action by the Examiner is earnestly solicited. Should the Examiner believe any remaining issues may be resolved via a telephone interview, the Examiner is encouraged to contact Applicants' representative at the number below to discuss such issues.

Respectfully submitted,



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